

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 274 – HB 1058

March 11, 2013

SUMMARY OF ORIGINAL BILL: Requires the courts in certain circumstances to compel an expert witness to appear and give testimony regarding the expert's written statement in support of a healthcare liability action.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (004366): Requires an expert's signed written statement, relied upon in initiating a healthcare liability action, to be provided to the court as well as the prevailing party, rather than just the court. Authorizes the court-ordered provision of the signed written statement while the litigation is ongoing. Prohibits the signed written statement from being disclosed to other parties to the litigation and prohibits discovery of the signed written statement by the other parties to the ongoing litigation.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- A healthcare liability action cannot be brought unless the plaintiff has a written statement from an expert stating that the plaintiff has a legitimate cause of action.
- If a defendant prevails because the plaintiff does not offer any competent expert testimony, then the defendant may file a motion with the court to compel the plaintiff to produce a copy of the expert's written statement to the defendant.
- Under current law, the court is only authorized to order a party to provide the signed written statement to the court. The bill would allow a court to require provision to the court and the prevailing party.
- According to the Administrative Office of the Courts, any impact in the state courts' caseload can be accommodated within existing resources without an increased appropriation or reduced reversion.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

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